THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 96 of 2006

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DATED: 03.01.2006

Between:

Smt. Koppada Krishna Kumari

... PETITIONER

AND

The Revenue Divisional Officer,

Bandar Krishna District & another.

... RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 96 of 2006

ORDER:-

This writ petition is filed to declare the order, dated 21.12.2005, issued by the 1st

respondent, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to continue the petitioner as Fair Price shop dealer.

The petitioner is a fair price shop dealer of Yetimondipallepalem, H/o. Chinagollapalem, Kruthivennu Mandal, Krishna District. It is stated that she has been distributing the essential commodities since last twenty years without any complaint whatsoever.

It is stated that for a criminal action against M.V.Raju and others, who have trespassed man handedly into the fair price shop of the petitioner, a case in Crime No.3 of 2003 for the offence under Sections 45, 341, 323 r/w. 34 IPC was registered and numbered as CC.No.7 of 2004 on the file of the Judicial Magistrate of First Class, Bantumilli. Section 354 was added in Criminal Revision Petition No.86 of 2004 by an order, dated 3.09.2005 by the IX Additional District & Sessions Judge, FTC, Krishna, Machilipatnam.

While so, it appears that the said Raju and others made a representation, dated 09.11.2005 before the Revenue Divisional Officer. On the said representation, the Revenue Divisional Officer said to have got the matter enquired and basing on the said representation/complaint, suspended the authorization of the petitioner vide impugned order, dated 21.12.2005 and appointed the Mandal Revenue Officer as Enquiry Officer and directed him to produce the report within a period of 15 days from the date of the order.

A perusal of the impugned order goes to sow that all the allegations made against the petitioner appears to be vague and general. But however, action has been taken against the petitioner basing on a complaint given by the accused, against whom a criminal case is pending.

In the absence of any serious and grave irregularities, I am of the opinion that the suspension pending enquiry, particularly on a complaint made by the said Raju,

who is an accused, is not just and proper.

In view of the aforesaid peculiar facts and circumstances of the case, the impugned order, pending enquiry, though it is an assailable order, is set-aside, directing the 1st respondent to complete the disciplinary proceedings in accordance with law as expeditiously as possible, within a period of four weeks from the date of receipt of a copy of this order. Till then the petitioner shall be permitted to distribute the essential commodities.

Accordingly, the writ petition is allowed. No order as to costs.

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03.01.2006

Note:- Issue CC in three days.

B/o.

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